

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

692323 CAPITAL, INC., et al.,

Defendants.

NO: CV-11-360-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80297-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANT COLE MCDONALD

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

1 Attorneys for
Judgment Creditor: Witherspoon Kelley

2 Judgment Debtors: Cole McDonald

3 Principal Amount of
4 Judgment: \$89,136.67 CAD
\$ 250.00 US

5 Interest on Judgment: Weekly Average of One-Year Constant Maturity
6 (nominal) treasury yield as published by the
7 Federal Reserve System (28 U.S.C. § 1961)

8 The Court, having previously entered an Order Adopting the Bankruptcy
9 Court's Report and Recommendation and Order of Default against Defendant Cole
10 McDonald, ECF No. 111, and being fully apprised in the premises,

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
12 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
13 Trustee for LLS America, LLC, shall have a judgment against Defendant Cole
14 McDonald, as follows:

15 1. Monetary Judgment in the amount of CAD \$89,136.67, pursuant to 11
16 U.S.C. § 550 and RCW 19.40.071;

17 2. Transfers in the amount of CAD \$82,636.67 made to Defendant within
18 four years prior to the Petition Filing Date are hereby avoided and Plaintiff may
19 take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550,
20 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3. Transfers in the amount of CAD \$6,500.00 made to Defendant more than four years prior to the Petition Filing Date should be avoided and Plaintiff should be authorized to take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550, and 551 and RCW 19.40.041(1) and RCW 19.40.071;

4. All said transfers to Defendant Cole McDonald are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant Cole McDonald for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550, and 551;

5. A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and

6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00 USD, for a total judgment of CAD \$89,136.67, plus \$250.00 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

IT IS SO ORDERED.

The District Court Clerk is directed to enter this Judgment and provide copies to counsel, Defendant, and Judge Patricia C. Williams.

DATED this 16th day of September 2013.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 Chief United States District Court Judge